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4900 N Lamar Blvd
Austin, Texas 78751
March 22, 2023

Clint Cox
Investigations Deputy Associate Commissioner
of Family and Protective Services after so many years.
4900 N Lamar Blvd
Austin, Texas 78751

Dear Clint Cox,

With great sadness, I submit this notice of my retirement from the Department of Family and Protective Services after many years of faithful service.

The current situation at the agency has become untenable, and I cannot in good conscience continue to work for an agency that demonstrates a lack of respect and concern for their dedicated staff as well as the children and families we serve. My concerns are on two levels as explained below:

The Special Investigator position was created by the 79th Legislature to provide forensic investigation support and training to caseworkers, to serve as subject matter experts and consultants to caseworkers, and to act as liaisons with law enforcement agencies and courts. The SI Division exists to support multiple other divisions within the agency, not solely the Child Protective Investigations (CPI/INV) Division. Some examples include: CPS Conservatorship (runaways, trafficking), Child Care Investigations (CCI) (all child deaths, trafficking, complex investigations), Adult Protective Services (sex abuse, law enforcement liaison), Center for Learning and Organizational Excellence (CLOE) (develop and provide training across all programs), along with their liaison work with law enforcement, multidisciplinary teams, and other internal and community partners.

Special Investigators receive the same initial training as INV caseworkers, and then once in the field, receive further training specific to the SI duties. An SI receiving caseworker training is comparable to learning a foreign language in that, if the language is not spoken regularly it is forgotten. An SI will utilize child safety assessment skills and advanced investigation skills daily in every task they complete. However, an SI does not conduct child removals or referrals for services type work with any regularity, therefore they should not be expected to have the same level of competency in this task as an INV caseworker. The SI should never be expected to work an equivalent number of investigations as a traditional INV caseworker, otherwise the work they do for other divisions is compromised.

Clint Cox

March 22, 2023

Page 2

SIs are very familiar with investigations as they each had a strong law enforcement investigations background prior to joining the SI Division, which honed their skills specific to the most serious cases of child abuse and neglect. The SI's function was designed to assist in the most serious cases ensuring safety for any victim of abuse and neglect and bridge the gap where INV caseworkers may have a lack of experience in investigative techniques or communicating with law enforcement partners. Throughout the years, the SIs have taken on additional primary tasks such as school investigations, only child death cases, Child Without Placement (CWOP) investigations, employee investigations, law enforcement investigations, and others in addition to the tasks already designed through law, policy, and protocol. Despite the extra work, the SI Division has never been given the resources, administrative support, career ladder opportunities, pay, or even acknowledgement of the extra duties they have taken on. Runaway or missing conservatorship children, Child Safety Check Alert List (CSCAL: cases in which missing families cannot be located and law enforcement is alerted for assistance with locating), and serious injury, sexual abuse, or death cases were the priority above all else. The SIs took on these extra duties without complaint, and excelled in the work in order to protect children where they otherwise may have fallen through the cracks. Special Investigators have been called upon on countless occasions to "rescue, save, bail-out" other programs who found themselves in crisis situations, specifically INV and Child Care Investigations. The SI Division exists as a support program to provide assistance in such situations. These crisis situations have historically been a result of staff turnover, which leads to high caseloads, which leads to further turnover. The SIs have worked regionally and have deployed away from their own families for weeks and even months at a time to ensure the safety of children that had been left at risk, sometimes for months, due to internal DFPS issues beyond the control of the child or family.

Around April 2022, the current crisis situation was first called to the attention of the current CPI Acting Associate Commissioner, Marta Talbert, who was then in the role of CPI Director of Field. The data team called to her attention an increasing number of delinquent cases (2000-3000 cases) which was attributed to an increasing amount of staff turnover. Obviously, each issue exacerbates the other. The SI Division was aware of the "impending implosion" and field staff, SI Regional Directors, and SI Program Directors, were advised to reach out to their regional counterparts within CPI to offer assistance. As each region had different needs, the plan was to target SI resources to meet the local needs. Some regions were more receptive to utilizing the offered assistance than others as many did not want internal issues within their regions to be revealed. In spite of these efforts, the staff levels continued to fall as the caseloads continued to rise.

It took a change in top CPI leadership, Jim Sylvester as CPI Associate Commissioner, and you, Clint Cox, as Deputy Associate Commissioner, for a plan to be implemented to try and address the CPI crisis which was by then at over 6000 delinquent cases. You developed the plan which essentially turned SI staff into caseworkers and requires SIs to take on five delinquent cases at a time as primary caseworkers while also continuing to be responsible for their standard SI assignments, all of which are serious and time sensitive. Somehow, 230 Special Investigators have been directed to assist with resolving a situation

Clint Cox

March 22, 2023

Page 3

which 2,900 (approximate current number of fulltime INV caseworker positions) INV caseworkers created and perpetuated for almost a year with no meaningful intervention or direction from their Regional or State Office leadership team.

The expectation was/is for the SIs to close as many cases as possible as quickly as possible. Any and all necessary overtime would be approved, and any personnel issues (ie: lack of timely case initiation, lack of timely fact-to-face contact with alleged victims, lack of documentation, inaccurate or false documentation) discovered during the project were to be ignored in the interest of case closures and staff retention. This plan was implemented in November 2022. SI staff have worked diligently and under extreme pressure to close cases as they are scrutinized for not closing INV's delinquency fast enough. They have worked countless hours of overtime, referred cases to Family Based Safety Services (FBSS), and completed child removals in an effort to ensure children are safe in situations where they have potentially been at risk for months with no INV caseworker intervening on their behalf. The most common complaint from the SIs is not about doing the work, it is about accountability. SIs find difficulty working in an office where the INV units are having parties while the SI is diligently working to make sure children are safe on the cases that were set aside by these same INV caseworkers. It is common knowledge in some offices that it is now considered "okay" for INV caseworkers to allow their cases to become delinquent because the case will then be assigned to an SI to complete. Every SI wonders where is the accountability for the caseworkers and where is the accountability for the Regional and State Office leadership that did not take decisive action sooner?

During my 2.5 year tenure as Director, with 277 SI positions, the vacancy rate in the SI Division has varied between 15-20 positions. There are currently 33 vacant SI positions, and this number is growing daily as at least two resignations have been submitted in the past week. Not all of the departures are a result of the current INV Project, but many will reflect the SI left for another job opportunity. The truth of the matter remains that staff are searching and leaving for other jobs as a direct result of this project and the mistreatment of the SIs. The SIs were not recruited and hired to be INV caseworkers. Forcing them to be INV caseworkers, from their perspective, is demeaning and devalues the special skills they bring to their positions. As the SI role continues to evolve to be more like the INV caseworker role, more SIs will continue to leave.

Human Resources (HR) has worked diligently to fill vacant positions, but retention continues to be an issue. Many of the retention issues may be attributed to local, and longstanding, leadership issues which have been allowed to perpetuate for years. There is a lot of truth to the adage that, "Employees don't leave bad jobs, they leave bad leaders." This agency has not learned this lesson and continues to make jobs which are already challenging more difficult without any acknowledgement towards staff success and accomplishments or reprimand for those who lack the accountability to complete their actual duties as assigned. Accountability is a word that is thrown around a lot at DFPS, but it is selectively utilized in very limited settings and circumstances. When individual leaders repeatedly experience high levels of staff turnover, that is a leadership problem, not a staffing problem.

Clint Cox

March 22, 2023

Page 4

Now that the SI staff have demonstrated their ability as INV caseworkers, and because there are not specific data points available to track the variety of tasks performed by the Special Investigators (a direct result of antiquated computer systems), there are certain leaders within the CPI Division who are under the impression that the Special Investigators “don’t have enough to do.” In my absence, there has been a clear vacuum of leadership for the SI Division. The SI Division is not able to perform the tasks outlined for them to do. Unfortunately, the most vulnerable children and adults have been left at risk. There is almost no time to search for runaway foster children, nor time to interview people that have seriously harmed or killed their child, *because only the numbers matter*. Closing cases is all that matters, not ensuring safety. The SIs have no one that will advocate for them, and they cannot advocate for themselves for fear of losing their jobs. I realize the end goal is to have the SI Division dissolved and returned to report directly to the INV Regional and State Office leadership. As a separate division, the SIs exist to create a check and balance system, but apparently this oversight was never appreciated and is no longer deemed necessary. I implore you and anyone that may read this to please ensure that the staff within the SI Division are allowed to return to their legislatively mandated role. The position and Division are intended to support, assist, and consult with caseworkers, not to be a caseworker. This has proven to be a strong Division that rises to take on any adversity presented and meets or exceeds all expectations to ensure safety that otherwise may have gone unnoticed in the most terrifying of circumstances.

All of this brings me to my next issue beyond the direct control of DFPS itself. As a member of the LGBT community, I cannot support the vile legislation that is being proposed and supported by state leaders targeting the LGBT community, their children, and families. To be silent on the matter is to appear in agreement with any directives our department may be forced to implement against these families’ lives. I cannot stand idly by and watch the efforts of a few, harm so many. The same legislature that reportedly stands for and implements bills for parent’s rights, are the same ones that introduce bills that will do nothing but tear families apart and cause more harm. This department will continue to be complicit by law or practice in inflicting the damage upon those we have sworn to protect, and I will not be a part of that.

My last day at of Family and Protective Services after so many years. will be March 22, 2023.

Sincerely,

Sharon E Fonvielle-Baughman

Sharon E Fonvielle-Baughman
Director Special Investigations (Retired)
Department of Family and Protective Services